THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 19th June, 2006

W.P.No.14160 of 2005

Between:

Renka Narayana … Petitioner

and

The Deputy Registrar/Officer on

Special Duty, (District Registrar),

Karimnagar District, Karimnagar

& 3 others

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14160 of 2005

O R D E R:

This Writ Petition is filed seeking a Mandamus declaring the notice of sale of immovable property dated 28-3-2005 in Form No.8 issued by the 1st respondent under Rule 52(11)(b) of the Andhra Pradesh Cooperative Societies Rules,1964 and the consequential Order passed by the 2nd respondent in E.P.No.4877/2000-01 dated 19-5-2005 as arbitrary, illegal and contrary to law.

The only complaint of the petitioner is that before passing the impugned Order, he

was not served with any notice as required under law.

A detailed counter affidavit has been filed on behalf of respondents, wherein it is asserted that notices as required under law were served properly on the petitioner; therefore, the Writ Petition is devoid of merit and liable to be dismissed.

Fortunately, the respondents have filed material papers, which include Form No.6 and Form No.8 notices issued under Rule 52(3) read with Rule 52(11)(b)&(c) of the Rules. On the reverse of Form No.6, dated 16-3-2005 there is an endorsement to show that the said Form No.6- attachment of immovable property notice - was served by affixing the same on the door of the house of the petitioner – Renka Narayana. But the Secretary of the Gram Panchayat, Khannapur signed on the said notice and put the date as 14-4-2005; whereas, Form No.8 notice is dated 28-3-2005. That means, even before Form No.6 notice was served on the petitioner, Form No.8 notice i.e. notice of sale of immovable property, was issued. This itself demonstrates that the assertion of the petitioner that no notice of any kind was served on him before issuing Form No.8 and initiating consequential Execution Proceedings is correct. From the above, it is clear that the respondents have manipulated as to the fact of service of notice on the petitioner. In view of the above, the impugned notice dated 28-3-2005 and the consequential Order of the 2nd respondent dated 19-5-2005 are liable to be set aside and are accordingly set aside.

In the result, the Writ Petition is allowed; but, there shall be no order as to costs.

19-6-2006

prk